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10/627,619	07/28/2003	William Grant Grovenburg	10030630-1	4323

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AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
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EXAMINER

YUEN, KAN

ART UNIT	PAPER NUMBER
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2616

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/627,619	Applicant(s) GROVENBURG, WILLIAM GRANT	
	Examiner Kan Yuen	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed on 9/11/2007 have been fully considered but they are not persuasive. Applicant argued that the reference of Baum (Pub No.: 2003/0200311) did not provide a quality of service statistic for data streams, however as disclosed in paragraph 0126 of the reference, the reliable information retrieved between the SS 536 or the NTC and the edge routers or the Nas, based on the IP address includes customer name, edge router, port number information, and geographic location. The advantage for providing geographic location based on IP address is normally IP addresses do not inherently convey geographic location; therefore we can consider geographic location of the user as a important source to a requester such as police department, and from there, we can conclude that the geographic location is the quality of service information. Moreover, applicant did not defined what is the meaning of quality of service statistic in the claimed limitation; therefore applicant's argument is moot.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 9, 10, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Baum (Pub No.: 2003/0200311).

In claim 1, Baum disclosed the method of communicating between a network troubleshooting center (NTC) and network analyzers (NAs) monitoring respectively corresponding communication lines through which Voice over Internet Protocol (VoIP) data streams are transmitted, to provide quality of service statistics for data streams transmitted through the communication lines and associated with a respective telephone call (Baum see paragraph 0070, lines 1-8, paragraph 0126, lines 1-13, and see fig. 5. boxes 516, 518, 532, 536, and 560). As shown, the unit 536 is coupled with 532, and 532 sends a request of monitoring service to edge routers 516 and 518. The request contains an IP address, which is corresponding to a telephone number. The edge routers can be the network analyzers and the soft switch 536 can be the NTC. As disclosed in paragraph 0126 of the reference, the reliable information retrieved based on the IP address includes customer name, edge router, port number information, and geographic location.

Regarding to claim 2, Baum also disclosed the method of transmitting information indicating a respective telephone number from the NTC to the NAs and, after receiving the transmitted information, collecting quality of service data by the NAs for data streams associated with a telephone call having the telephone number as a source or destination (Baum see paragraph 0070, lines 1-8, and see fig. 5. boxes 516, 518, 532, 536, and 560). As shown, the unit 536 is coupled with 532, and 532 sends a request of

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monitoring service to edge routers 516 and 518. The request contains an IP address, which is corresponding to a telephone number. The edge routers can be the network analyzers and the soft switch 536 can be the NTC; and transmitted through the communication lines, and providing quality of service information by the NAs to the NTC based on the collected quality of service data (Baum see paragraph 0128, lines 1-8, paragraph 0129, lines 1-6, paragraph 0131, lines 1-20). As shown, the unit 536 transmits a monitoring command to the identified edge router containing an IP address corresponding to the telephone number. Then the edge router forwards the collected information to the unit 536. The unit 536 retrieves the quality of service data such as physical location, customer name.

Regarding to claim 9, Baum also disclosed the method of network analyzers monitoring respectively corresponding communication lines through which Voice over Internet Protocol (VoIP) data streams are transmitted; and a network troubleshooting center (NTC) communicating with the network analyzers (NAs) to provide quality of service statistics for data streams transmitted through the communication lines and associated with a respective telephone call (Baum see paragraph 0070, lines 1-8, see paragraph 0126, lines 1-13, paragraph 0128, lines 1-8, paragraph 0129, lines 1-6, paragraph 0131, lines 1-20, and see fig. 5 boxes 516, 518, 532, 536, and 560). As shown, the unit 536 transmits a monitoring command to the identified edge router containing an IP address corresponding to the telephone number. Then the edge router forwards the collected information to the unit 536. The unit 536 retrieves the quality of service data such as physical location, customer name. The edge routers can be the

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network analyzers and the soft switch 536 can be the NTC. As disclosed in paragraph 0126 of the reference, the reliable information retrieved based on the IP address includes customer name, edge router, port number information, and geographic location.

Regarding to claim 10, Baum also disclosed the method of the NTC transmits information indicating a respective telephone number to the Nas (Baum see paragraph 0070, lines 1-8, and see fig. 5. boxes 516, 518, 532, 536, and 560). As shown, the unit 536 is coupled with 532, and 532 sends a request of monitoring service to edge routers 516 and 518. The request contains an IP address, which is corresponding to a telephone number. The edge routers can be the network analyzers and the soft switch 536 can be the NTC; and, after receiving the transmitted information, the NAs collect quality of service data for data streams associated with a telephone call having the telephone number as a source or destination (Baum see 0127, lines 1-8). The edge router collects the quality of service data such as physical location customer name and port number information of the respective telephone number, and transmits the data back to 536; and transmitted through the communication lines, and provide quality of service information to the NTC based on the collected quality of service data (Baum see paragraph 0128, lines 1-8, see paragraph 0129, lines 1-6, see paragraph 0131, lines 1-20). As shown, the unit 536 transmits a monitoring command to the identified edge router containing an IP address corresponding to the telephone number. Then the edge router forwards the collected information to the unit 536. The unit 536 retrieves the quality of service data such as physical location, customer name.

Regarding to claim 15, Baum also disclosed the method of network analyzers (NAs) monitoring respectively corresponding communication lines through which Voice over Internet Protocol (VoIP) data streams are transmitted; a network troubleshooting center (NTC) (Baum see paragraph 0070, lines 1-8, and see fig. 5. boxes 516, 518, 532, 536, and 560). As shown, the unit 536 is coupled with 532, and 532 sends a request of monitoring service to edge routers 516 and 518. The request contains an IP address, which is corresponding to a telephone number. The edge routers can be the network analyzers and the soft switch 536 can be the NTC; and means for communicating between the NTC and the NAs to provide quality of service statistics for data streams transmitted through the communication lines and associated with a respective telephone call (Baum see paragraph 0126, lines 1-14). In the reference the unit 536 sends a request to edge routers and unit 534 to gather data stream information relative to the telephone number. The data stream information about the particular telephone number can be customer name, physical location, edge router, and port number information. As disclosed in paragraph 0126 of the reference, the reliable information retrieved based on the IP address includes customer name, edge router, port number information, and geographic location.

Claim Rejections - 35 USC § 103

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 7, 11, and 17 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Baum (Pub No.: 2003/0200311).

For claim 3, Baum disclosed the method of transmitting information indicating a respective telephone number from the NTC to the Nas (Baum see paragraph 0070, lines 1-8, and see fig. 5. boxes 516, 518, 532, 536, and 560). As shown, the unit 536 is coupled with 532, and 532 sends a request of monitoring service to edge routers 516 and 518. The request contains an IP address, which is corresponding to a telephone number. The edge routers can be the network analyzers and the soft switch 536 can be the NTC; after receipt of the transmitted information, monitoring call control information by each NA on the corresponding communication line in accordance with the received

information to try to identify a data stream associated with a telephone call having the telephone number as a source or destination (Baum see paragraph 0126, lines 1-14). In the reference the unit 536 sends a request to edge routers and unit 534 to gather data stream information relative to the telephone number. The data stream information about the particular telephone number can be customer name, physical location, edge router, and port number information. The telephone number was translated from the IP address, which can be the source or destination; transmitting, by a first NA of the NAs to identify a data stream, identifying information of the identified data stream to the NTC (Baum see 0127, lines 1-8). The edge router collects the quality of service data such as physical location customer name and port number information of the respective telephone number, and transmits the data back to 536; and after receipt of the transmitted identifying information, communicating between the NTC and the NAs so that each NA has the identifying information, collects quality of service data for data streams associated with the telephone call and transmitted through the communication lines, and provides quality of service information to the NTC based on the collected quality of service data (Baum see paragraph 0128, lines 1-8, see paragraph 0129, lines 1-6, see paragraph 0131, lines 1-20). As shown, the unit 536 transmits a monitoring command to the identified edge router containing an IP address corresponding to the telephone number. Then the edge router forwards the collected information to the unit 536. The unit 536 retrieves the quality of service data such as physical location, customer name. In the reference, Baum did not explicitly disclose the method of after receipt of the transmitted identifying information, communicating between the NTC and

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all the NAs, however its obvious to the person of ordinary skill in the art at the time of the invention to communicate with one or more NAs. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as the obviousness in the network of Baum. The motivation for using the obviousness in the network of Baum being that the NTC (unit 536) communicates with the particular edge router (NA), which contains all the necessary quality of service identification information, so that the NTC does not waste bandwidth trying to communication with all the NAs (edge routers).

For claim 7, Baum disclosed the method of transmitting information indicating a respective telephone number from a network troubleshooting center (NTC) monitoring respectively corresponding communication lines through which Voice over Internet Protocol (VoIP) data streams are transmitted (Baum see paragraph 0070, lines 1-8, and see fig. 5. boxes 516, 518, 532, 536, and 560). As shown, the unit 536 is coupled with 532, and 532 sends a request of monitoring service to edge routers 516 and 518. The request contains an IP address, which is corresponding to a telephone number. The edge routers can be the network analyzers and the soft switch 536 can be the NTC; after receipt of the transmitted information, monitoring call control information by each NA on the corresponding communication line in accordance with the received information to try to identify a data stream associated with a telephone call having the telephone number as a source or destination (Baum see paragraph 0126, lines 1-14). In the reference the unit 536 sends a request to edge routers and unit 534 to gather data

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stream information relative to the telephone number. The data stream information about the particular telephone number can be customer name, physical location, edge router, and port number information; transmitting, by a first NA of the NAs to identify a data stream, identifying information of the identified data stream to the NTC (Baum see 0127, lines 1-8). The edge router collects the quality of service data such as physical location customer name and port number information of the respective telephone number, and transmits the data back to 536; after receipt of the transmitted identifying information, transmitting a message from the NTC to the NAs to cause the NAs to stop trying to identify a data stream associated with the telephone call, and providing the identifying information to the Nas (Baum see paragraph 0131, lines 1-20). As shown, the unit 536 transmits a discontinue monitoring command to the edge router associated with the telephone number being deactivated; and, after receipt of the message from the NTC, and in accordance with the identifying information provided by the received message, collecting quality of service data by the NAs for data streams associated with the telephone call and transmitted through the communication lines, and providing quality of service information by the NAs to the NTC based on the collected quality of service data (Baum see paragraph 0126, lines 1-13, paragraph 0128, lines 1-8, paragraph 0129, lines 1-6, paragraph 0131, lines 1-20). As shown, the unit 536 transmits a monitoring command to the identified edge router containing an IP address corresponding to the telephone number. Then the edge router forwards the collected information to the unit 536. The unit 536 retrieves the quality of service data such as physical location, customer name. As disclosed in paragraph 0126 of the reference, the reliable

information retrieved based on the IP address includes customer name, edge router, port number information, and geographic location. In the reference, the NTC collects the quality of service information before it commands to stop the monitoring, and the application collects the information after it commands to stop the monitoring. However, it's obvious to the person of ordinary skill in the art at the time of the invention to collect information before or after the monitoring.

Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the obviousness in the network of Baum. The motivation for using the obviousness in the network of Baum being that the NTC guarantees to receive a quality of service information before it stops the monitoring.

Regarding to claim 11, same rejection is applied as in claim 3, because claim 3 and claim 11 are identical except that claim 3 is a method, and claim 11 is the apparatus.

Regarding to claim 17, same rejection is applied as in claim 7, because claim 17 and claim 7 are identical except that claim 7 is a method, and claim 17 is the apparatus.

6. Claims 4, 5, 6, 8, 12, 13, 14, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baum (Pub No.: 2003/0200311), in view of Yang et al. (Pub No.: 2003/0072330).

For claims 4, 5, 6, 8, 12, 13, 14, 16, and 18 Baum disclosed all the subject matter of the claimed invention with the exception of wherein the telephone call is based on

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Session Initialization Protocol (SIP). Yang et al. from the same or similar fields of endeavor teaches the method of wherein the telephone call is based on Session Initialization Protocol (SIP) (Yang et al. see paragraph 0016, lines 1-30). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method of Yang et al. in the network of Baum. The motivation for using the method as taught by Yang et al. in the network of Baum being that an IP driver connected to the IP network, for controlling an IP end point at which the IP terminals are positioned.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kan Yuen whose telephone number is 571-270-1413. The examiner can normally be reached on Monday-Friday 10:00a.m-3:00p.m EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky O. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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